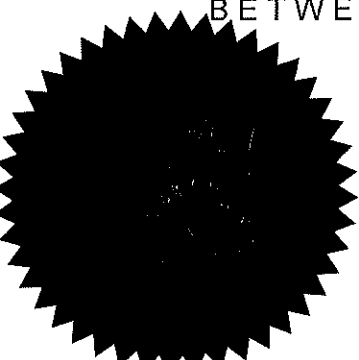


COURT OF APPEAL FOR ONTARIO

THE HONOURABLE JUSTICE)
MACPHERSON)
THE HONOURABLE JUSTICE MILLER)
THE HONOURABLE JUSTICE COPELAND)
)
TUESDAY, THE 29TH
DAY OF NOVEMBER, 2022

BETWEEN:



2505243 ONTARIO LIMITED o/a BYPETERANDPAUL.COM
Plaintiff (Respondent/
Appellant by way of cross-appeal)

- and -

PRINCES GATES GP INC. IN ITS CAPACITY AS GENERAL PARTNER OF PRINCES
GATES HOTEL LIMITED PARTNERSHIP
Defendant (Appellant/
Respondent by way of cross-appeal)

ORDER

THIS APPEAL by the Appellant Princes Gates GP Inc. in its capacity as General Partner of Princes Gates Hotel Limited Partnership, from the Trial Judgment of Justice Gilmore of the Superior Court of Justice dated July 5, 2021 with reasons reported at 2021 ONSC 4649, granting judgment in favour of 2505243 Ontario Ltd., with a costs endorsement made August 10, 2021, for an order that the Trial Judgment be set aside and judgment be granted in favour of the Appellant, was heard on November 29, 2022 at Osgoode Hall, 130 Queen Street West, Toronto, Ontario, M5H 2N4.

ON READING the Appeal Book and Compendium, Supplementary Compendium, Exhibit Book, Transcripts, Book of Authorities, Oral Hearing Compendium, Factum of the Appellant, Factum of the Appellant/Cross-Respondent on Cross-Appeal and Bill of Costs of the Appellant/Cross-Respondent Princes Gates GP Inc. in its capacity as General Partner of Princes Gates Hotel Limited Partnership, the Compendium, Book of Authorities, Factum of the Respondent, and Factum of the Respondent/Cross-Appellant on Cross-Appeal of the Respondent/Cross-Appellant 2505243 Ontario Ltd., and on hearing the submissions of counsel for Appellant/Cross-Respondent Princes Gates GP Inc. in its capacity as General Partner of Princes Gates Hotel Limited Partnership, counsel for Respondent/Cross-Appellant 2505243 Ontario Ltd. not being called upon,

THIS COURT DID NOT ADDRESS the cross-appeal as the Respondent/Cross-Appellant 2505243 Ontario Ltd. abandoned its cross-appeal.

1. THIS COURT ORDERS that this appeal is dismissed.
2. THIS COURT ORDERS that the Appellant Princes Gates GP Inc. in its capacity as General Partner of Princes Gates Hotel Limited Partnership shall pay costs of this appeal to the Respondent 2505243 Ontario Ltd fixed in the amount of \$90,000.00 inclusive of disbursements and HST.

THIS ORDER BEARS INTEREST at the rate of 4.00 percent per year commencing on November 29, 2022, pursuant to the *Courts of Justice Act*, R.S.O. 1990, c. C.43.

ENTERED AT / INSCRIPT À TORONTO
ON / BOOK NO:
LE / DANS LE REGISTRE NO.:


SVETLANA MACEWAN
Registrar

JAN 10 2023

PER / PAR:



2505243 ONTARIO LTD.

-and-

Court File No. C69754
PRINCES GATES GP INC. IN ITS CAPACITY AS GENERAL
PARTNER OF PRINCES GATES HOTEL LIMITED
PARTNERSHIP

Respondent/Cross-Appellant
(Plaintiff)

Appellant/Cross-Respondent
(Defendant)

COURT OF APPEAL FOR ONTARIO

Proceeding commenced at
Toronto

ORDER

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Lawyers for the Respondent/Cross-Appellant
(Plaintiff)